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DROPCAM, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E.DIGITAL CORPORATION,

Plaintiff,

v.

DROPCAM, INC.,

Defendant.

Case No. 3:14-cv-04922-JST

**JOINT CLAIM CONSTRUCTION AND  
PRE-HEARING STATEMENT (PATENT  
L.R. 4-3)**

Judge: Hon. Jon S. Tigar  
Ctrm: 9  
Hearing: August 3, 2015  
Time: 2:00 p.m.

Pursuant to Local Patent Rule 4-3 and the Court's February 5, 2015, Scheduling Order ("Scheduling Order") (Doc. No. 43), Plaintiff e.Digital Corporation ("Plaintiff" or "e.Digital") and Defendant Dropcam, Inc. ("Defendant" or "Dropcam") provide the following Joint Claim Construction and Pre-Hearing Statement in the above-entitled matter for U.S. Patent Nos. 8,306,514 ("the '514 patent"); 8,311,522 ("the '522 patent"); 8,311,523 ("the '523 patent"); 8,311,524 ("the '524 patent"); 8,315,618 ("the '618 patent"); and 8,315,619 ("the '619 patent") (collectively, the "Asserted Patents").

### **I. Agreed Upon Claim Constructions**

The parties have agreed upon the following constructions for each of the claim terms and phrases listed below.

	<b>Claim Term or Phrase</b>	<b>Agreed Upon Construction</b>
1.	"being selectable to provide"	"capable of being selected to provide"
2.	"environment of the communication device"	"surroundings of the communication device within the detectable area of the communication device"

### **II. Disputed Claim Constructions and Identification of Intrinsic and Extrinsic Evidence**

The parties dispute the proper construction of certain claim terms. Below, Plaintiff and Defendant set forth each of the disputed claim terms, each party's proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction.

	<b>Claim Term or Phrase</b>	<b>Plaintiff's Proposed Construction and Supporting Evidence</b>	<b>Defendant's Proposed Construction and Supporting Evidence</b>
1.	"social signature"	"raw or processed data and/or other information based on sensors"	"combination of optical sensor data and acoustic sensor data indicative of a type of activity"

	<p><b><u>Intrinsic Evidence:</u></b></p> <p><b>Specifications<sup>1</sup></b></p> <p><i>Figures: 1, 2, 3</i></p> <p><i>'522 Specification: Abstract; 1:29-58; 2:5-30; 2:66-3:7; 3:19-60; 4:14-29; 4:65-5:6; 5:19-6:3; 6:19-24; 7:4-65; 9:5-11:6; 11:16-14:34; 14:46-53; 15:29-57; 16:14-26; 17:51-18:18; 18:22-24; 18:44-19:33; 21:15-44; 22:41-67</i></p> <p><b>Claims</b></p> <p><i>'522 patent: 1, 2, 5, 8, 9, 13, 15, 17, 18, 22, 24</i></p> <p><i>'514 patent: 1, 5, 7, 8, 10, 14, 18, 21, 24, 25, 26, 30, 34, 36</i></p> <p><i>'523 patent: 1, 2, 4, 10, 11, 17, 19, 20, 21, 26</i></p> <p><i>'524 patent: 1, 2, 3, 4, 5, 10, 15, 16, 17</i></p> <p><i>'618 patent: 1, 2, 6, 7, 11, 13, 15, 16, 20, 22, 23, 24</i></p> <p><i>'619 patent: 1, 2, 4, 10, 11, 17, 19, 20, 21, 26, 29, 30, 31</i></p> <p><b><u>Extrinsic Evidence:</u></b></p> <p><i>The American Heritage Dictionary (Fifth Ed. 2012) (hereinafter referred to as "AHD") at pp. 217 ("data"), 435</i></p>	<p><b><u>Intrinsic Evidence:</u></b></p> <p><b>Specification<sup>2</sup></b></p> <p><i>Figures: 1, 2, 3</i></p> <p><i>'618 Specification: 9:23-29, 14:31-41, 14:63-66, 15:38-45, 15:45-51, 15:52-55, 16:15-24, 17:30-36, 18:54-60, Tables 1 and 2.</i></p> <p><b>Claims</b></p> <p><i>'514 patent: 1, 5, 7, 8, 10, 14, 18, 21, 24, 25, 26, 30, 34, and 36.</i></p> <p><i>'522 patent: 1, 2, 5, 8, 9, 13, 15, 17, 18, 22, and 24.</i></p> <p><i>'523 patent: 1, 2, 4, 10, 11, 17, 19, 20, 21, and 26.</i></p> <p><i>'524 patent: 1, 2, 3, 4, 5, 10, 15, 16, and 17.</i></p> <p><i>'618 patent: 1, 2, 6, 7, 11, 13, 15, 16, 20, 22, 23, and 24.</i></p> <p><i>'619 patent: 1, 2, 4, 10, 11, 17, 19, 20, 21, 26, 29, 30, and 31.</i></p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>
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<sup>1</sup> The specifications of each of the Asserted Patents contain word-for-word identical disclosures. For the sake of brevity and efficiency, Plaintiff cites specifically herein to the specification of the parent '522 patent. However, Plaintiff represents and hereby notifies the Court and Defendant that Plaintiff intends to rely on the exact same disclosures contained in the '514 patent, '523 patent, '524 patent, '618 patent and '619 patent, which specifications, again, contain exactly the same disclosures as the specification of the '522 patent.

<sup>2</sup> All supporting patent citations identified by Defendant Dropcam herein reference the specification of U.S. Patent No. 8,315,618. Dropcam reserves the right to rely upon corresponding disclosures contained in the specifications of each of the Asserted Patents. Dropcam similarly reserves the right to rely upon disclosures contained in the prosecution histories of each of the Asserted Patents corresponding to the citations identified herein.

1		(“information”) <i>Barron’s Dictionary of Computer and Internet Terms</i> (Eleventh Ed. 2013) (hereinafter referred to as “ <i>BDCIT</i> ”) at p. 124 (“data”)  Sworn testimony of the inventor, Patrick Nunally	
2	2.	“social hierarchy”	“ordered ranking of social groups defined within each social template”
3		<b><u>Intrinsic Evidence:</u></b>	<b><u>Intrinsic Evidence:</u></b>
4		<b>Specification:</b>	<b>Specification:</b>
5		<i>Figures: 3</i>	<i>Figures: 1, 2, 3</i>
6		<i>’522 Specification: Abstract;</i>	<i>’618 Specification: 4:17-23,</i>
7		<i>1:29-47; 1:59-2:4; 2:31-65;</i>	<i>6:12-21, 14:44-50, 15:13-16,</i>
8		<i>3:24-42; 3:63-4:64; 5:34-59;</i>	<i>15:18-31, 15:45-51, 16:28-51,</i>
9		<i>6:4-17; 6:36-7:3; 7:38-53; 8:10-</i>	<i>17:4-12, 17:30-36, 17:13-16,</i>
10		<i>34; 11:1-6; 14:4-45; 15:4-17:24;</i>	<i>17:45-51, 18:23-28, and Tables</i>
11		<i>17:44-50; 18:22-36; 20:13-</i>	<i>1 and 2.</i>
12		<i>21:44; 22:41-67</i>	
13		<b>Claims</b>	<b>Claims</b>
14		<i>’522 patent: 1, 3, 4, 8, 11, 12,</i>	<i>’514 patent: 1, 2, 3, 4, 5, 10, 14,</i>
15		<i>17, 19, 23, 25, 26</i>	<i>15, 16, 17, 20, 21, 26, 30, 34,</i>
16		<i>’514 patent: 1, 2, 3, 4, 5, 10, 14,</i>	<i>’522 patent: 1, 3, 4, 8, 11, 12,</i>
17		<i>15, 16, 17, 20, 21, 26, 30, 34,</i>	<i>17, 19, 23, 25, and 26.</i>
18		<i>36</i>	<i>’523 patent: 1, 3, 5, 6, 7, 8, 9,</i>
19		<i>’523 patent: 1, 3, 5, 6, 7, 8, 9,</i>	<i>19, and 22.</i>
20		<i>19, 22</i>	<i>’524 patent: 1, 5, and 6.</i>
21		<i>’524 patent: 1, 5, 6</i>	<i>’618 patent: 1, 3, 6, 9, 10, 15,</i>
22		<i>’618 patent: 1, 3, 6, 9, 10, 15,</i>	<i>17, 20, and 22.</i>
23		<i>17, 20, 22</i>	<i>’619 patent: 1, 3, 5, 6, 7, 8, 9,</i>
24		<i>’619 patent: 1, 3, 5, 6, 7, 8, 9,</i>	<i>19, 22, and 31.</i>
25		<i>19, 22, 31</i>	
26		<b><u>Extrinsic Evidence:</u></b>	<b>File History</b>
27		<i>AHD at 398 (“hierarchy”)</i>	U.S. Patent & Trademark
28		Sworn testimony of the inventor, Patrick Nunally	Office Prosecution Proceeding No. 13/047,163 for U.S. Patent No. 8,315,618 -Applicant Arguments/Remarks Made in an Amendment at pp. 3-5,

1			March 16, 2012.
2			<b><u>Extrinsic Evidence:</u></b>
3			<i>Chambers Concise Dictionary</i>
4			at p. 562 [DROPCAM_ EDTL
5			00001055].
6			Sworn testimony of Dr. Earl
7			Sacerdoti.
8	3.	“social template”	“data structure storing a social
9			signature and a social
10			hierarchy”
11		<b><u>Intrinsic Evidence:</u></b>	<b><u>Intrinsic Evidence:</u></b>
12		<b>Specification</b>	<b>Specification</b>
13		<i>Figures: 1, 2, 3</i>	<i>Figures: 1, 2, 3</i>
14		<i>’522 Specification: Abstract;</i>	<i>’618 Specification: 3:52-55,</i>
15		<i>1:29-47; 2:20-30; 2:66-3:7;</i>	<i>6:12-21, 9:23-29, 10:46-49,</i>
16		<i>3:24-47; 4:65-5:6; 5:34-59;</i>	<i>14:32-41, 15:18-31, 15:45-51,</i>
17		<i>6:25-35; 7:4-11; 7:38-8:9; 8:35-</i>	<i>15:52-55, 16:15-24, 17:4-12,</i>
18		<i>40; 9:5-23; 9:44-10:38; 13:22-</i>	<i>17:30-36, 17:13-16, 17:45-51,</i>
19		<i>14:27; 14:46-18:36; 18:53-</i>	<i>18:23-28, 18:64-19:4, and</i>
20		<i>19:65; 20:13-17; 20:26-49;</i>	<i>Tables 1 and 2.</i>
21		<i>21:1-44; 22:41-67</i>	<b>Claims</b>
22		<b>Claims</b>	<i>’514 patent: 1, 3, 4, 5, 10, 14,</i>
23		<i>’522 patent: 1, 3, 4, 8, 11, 12,</i>	<i>16, 17, 21, 26, 30, 34, and 36.</i>
24		<i>17, 19, 22, 23, 25, 26, 27</i>	<i>’522 patent: 1, 3, 4, 8, 11, 12,</i>
25		<i>’514 patent: 1, 3, 4, 5, 7, 8, 9,</i>	<i>17, 19, 22, 23, 25, 26, and 27.</i>
26		<i>10, 14, 16, 17, 20, 21, 23, 24,</i>	<i>’523 patent: 1, 3, 4, 5, 6, 8, 9,</i>
27		<i>25, 26, 30, 31, 32, 34, 36</i>	<i>10, 11, 19, 21, 22, 23, 24, 25,</i>
28		<i>’523 patent: 1, 3, 4, 5, 6, 8, 9,</i>	<i>26, and 27.</i>
		<i>10, 11, 19, 21, 22, 23, 24, 25,</i>	<i>’524 patent: 1, 3, 4, 5, 6, 7, 8,</i>
		<i>26, 27</i>	<i>9, 10, and 11.</i>
		<i>’524 patent: 1, 3, 4, 5, 6, 7, 8, 9,</i>	<i>’618 patent: 1, 3, 6, 9, 10, 15,</i>
		<i>11,</i>	<i>17, 20, 22, 23, and 24.</i>
		<i>’618 patent: 1, 3, 6, 9, 10, 15,</i>	<i>’619 patent: 1, 3, 4, 5, 6, 8, 9,</i>
		<i>17, 20, 22, 23, 24</i>	<i>10, 11, 19, 21, 22, 23, 24, 25,</i>
		<i>’619 patent: 1, 3, 4, 6, 8, 9, 10,</i>	<i>26, 27, 29, 30, and 31.</i>
		<i>11, 19, 21, 22, 23, 24, 25, 26,</i>	<b>File History</b>
		<i>27, 29, 30, 31</i>	U.S. Patent & Trademark
		<b><u>Extrinsic Evidence:</u></b>	Office Prosecution Proceeding
		<i>The Merriam-Webster</i>	No. 13/047,163 for U.S. Patent
		<i>Dictionary (Eleventh Ed. 2004)</i>	No. 8,315,618 – Applicant

1		(hereinafter referred to as “MWD”) at p. 736 (“template”)	Arguments/Remarks Made in an Amendment at pp. 3-5, March 16, 2012.
2		<i>BDCIT</i> at p. 492 (“template”)	
3		Sworn testimony of the inventor, Patrick Nunally	<b><u>Extrinsic Evidence:</u></b>
4			Sworn testimony of Dr. Earl Sacerdoti.
5	4.	“unique social signature”	“social signature associated solely with one social template”
6		<b><u>Intrinsic Evidence:</u></b>	<b><u>Intrinsic Evidence:</u></b>
7		<b>Specifications</b>	<b>Specifications</b>
8		<i>’522 Specification:</i> Abstract; 1:29-47; 3:24-47; 5:34-59; 7:38-53; 15:29-16:64; 17:25-43; 18:63-19:3; 19:51-58; 22:41-67	<i>Figures:</i> 1, 2, 3
9		<b>Claims</b>	<i>’618 Specification:</i> at Abstract, 3:22-24, 3:25-28, 9:23-29, 13:37-41, 14:31-36, 14:63-66, 15:38-45, 15:45-51, 15:52-55, 16:15-24, 18:54-60, 19:64-67, and Tables 1 and 2.
10		<i>’522 patent:</i> 1, 8, 17, 18, 22, 24	<b>Claims</b>
11		<i>’514 patent:</i> 1, 5, 10, 12, 13, 14, 21, 26, 28, 29, 30, 34, 36	<i>’514 patent:</i> 1, 5, 10, 14, 21, 26, 30, 34, and 36.
12		<i>’523 patent:</i> 1, 13, 14, 19,	<i>’522 patent:</i> 1, 8, and 17.
13		<i>’524 patent:</i> 1	<i>’523 patent:</i> 1 and 19.
14		<i>’618 patent:</i> 1, 6, 15, 22	<i>’524 patent:</i> 1.
15		<i>’619 patent:</i> 1, 13, 14, 19	<i>’524 patent:</i> 1, 6, 15, and 22.
16		<b><u>Extrinsic Evidence:</u></b>	<i>’619 patent:</i> 1 and 19.
17		<i>AHD</i> at pp. 217 (“data”), 435 (“information”), 887 (“unique”)	<b><u>Extrinsic Evidence:</u></b>
18		<i>BDCIT</i> at p. 124 (“data”)	<i>Chambers Concise Dictionary,</i> at pp. 272, 1360
19		Sworn testimony of the inventor, Patrick Nunally	[DROPCAM_EDTL0000 1049].
20			<i>Webster’s New World College Dictionary,</i> at p. 1562
21			[DROPCAM_EDTL00001046]
22			.
23			Sworn testimony of Dr. Earl Sacerdoti.
24	5.	“sensor value range”	“range of measurements between two values”
25		Plain and ordinary meaning or, alternatively, “information representing sensor data above,	
26			
27			
28			

1		below or between a value(s)”	<b><u>Intrinsic Evidence:</u></b>
2		<b>Specification</b>	<b><u>Intrinsic Evidence:</u></b>
3		'522 <i>Specification</i> : 15:43-57;	<b>Specification</b>
4		16:14-26; 22:41-67	<i>Figures</i> : 1, 2, 3
5		<b>Claims</b>	'618 <i>Specification</i> : 4:24-28,
6		'522 <i>patent</i> : 1, 8, 17	9:41-46, 11:62-65, 12:6-13,
7		'514 <i>patent</i> : 1, 5, 10, 14, 21, 26,	16:15-24, 19:22-26, 15:38-45,
8		30, 34, 36	and Tables 1 and 2.
9		'523 <i>patent</i> : 1, 4, 19, 21	<b>Claims</b>
10		'524 <i>patent</i> : 1, 3	'514 <i>patent</i> : 1, 5, 10, 14, 21, 26,
11		'618 <i>patent</i> : 1, 6, 15, 20, 22	30, 34, and 36.
12		'619 <i>patent</i> : 1, 4, 19, 21, 29	'522 <i>patent</i> : 1, 8, and 17.
13		<b><u>Extrinsic Evidence:</u></b>	'523 <i>patent</i> : 1, 4, 19, and 21.
14		AHD at p. 751 (“sensor”)	'524 <i>patent</i> : 1 and 3.
15		MWD at pp. 596 (“range”), 656	'618 <i>patent</i> : 1, 6, 15, 20, and
16		(“sensor”), 797-798 (“value”)	22.
17		BDCIT at p. 406 (“range”)	'619 <i>patent</i> : 1, 4, 19, 21, and
18		Sworn testimony of the	29.
19		inventor, Patrick Nunally	<b><u>Extrinsic Evidence:</u></b>
20			Sworn testimony of Dr. Earl
21			Sacerdoti.
22	6.	“optical sensor”	“sensor that collects data about
23		Plain and ordinary meaning or,	the amount of light in an
24		alternatively, “sensor that	environment”
25		detects one or more amounts	
26		and/or characteristics of light	
27		within an environment”	
28		<b><u>Intrinsic Evidence:</u></b>	<b><u>Intrinsic Evidence:</u></b>
		<b>Specification:</b>	<b>Specification:</b>
		<i>Figures</i> : 1, 2, 3	<i>Figures</i> : 1, 2, 3
		'522 <i>Specification</i> : Abstract;	'618 <i>Specification</i> : 4:24-28,
		1:29-58; 2:5-19; 2:66-3:7; 3:12-	9:41-46, 11:62-67, 12:6-13,
		14; 4:14-16; 4:65-5:6; 5:11-13;	16:15-24, 19:22-26, 15:38-45,
		6:19-22; 7:4-12; 7:17-19; 9:6-	and Tables 1 and 2.
		11; 9:29-34; 10:4-15; 11:51-	<b>Claims</b>
		12:5; 13:65-14:3; 15:31-36;	'514 <i>patent</i> : 1, 5, 10, 12, 14, 21,
		15:46-57; 16:14-23; 19:17-33;	26, 28, 30, 34, and 36.
		22:41-67	'522 <i>patent</i> : 1, 8, and 17.
		<b>Claims</b>	'523 <i>patent</i> : 1, 13, and 19.
		'522 <i>patent</i> : 1, 8, 17	



1		<p>'514 patent: 1, 5, 8, 10, 12, 14, 21, 24, 26, 28, 30, 34, 36</p> <p>'523 patent: 1, 13, 19</p> <p>'524 patent: 1, 13</p> <p>'618 patent: 1, 6, 15, 20, 22</p> <p>'619 patent: 1, 13, 19</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p><i>Oxford Dictionary of Science</i> (Sixth Ed. 2010) (hereinafter referred to as "<i>ODS</i>") at p. 583 ("optics")</p> <p><i>AHD</i> at p. 751 ("sensor")</p> <p><i>MWD</i> at pp. 508 ("optical"), 656 ("sensor")</p> <p><i>The American Heritage Science Dictionary</i> (First Ed. 2011) at p. 360 ("light")</p> <p>Sworn testimony of the inventor, Patrick Nunally</p>	<p>'524 patent: 1.</p> <p>'618 patent: 1, 6, 15, 20, and 22.</p> <p>'619 patent: 1, 13, and 19.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>
2	7.	<p>"information"</p> <p>Plain and ordinary meaning</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><b>Specification</b></p> <p><i>Figures: 3</i></p> <p>'522 Specification: Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67</p> <p><b>Claims</b></p> <p>'522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, 26</p> <p>'514 patent: 14, 18, 20, 21, 22, 23, 24, 25, 26, 30, 34, 36</p> <p>'523 patent: 1, 3, 10, 19, 22, 23,</p>	<p>"a report about a single event that results from comparison of sensor data with social templates"</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><b>Specification</b></p> <p><i>Figures: 1, 2, 3</i></p> <p>'618 Specification: at 1:15-20, 2:40-47, 3:52-55, 4:17-23, 6:12-21, 10:46-49, 11:13-17, 14:32-41, 14:44-50, 14:63-66, 16:24-27, 15:13-16, 15:18-31, 16:28-51, 17:4-12, 17:30-36, 17:13-16, 17:45-51, 18:23-28, 17:45-51, 18:54-60, 18:64-19:4, and Tables 1 and 2.</p> <p><b>Claims</b></p> <p>'514 patent: 1, 5, 6, 7, 8, 9, 10, 14, 18, 20, 21, 22, 23, 24, 25, 26, 30, 34, and 36.</p> <p>'522 patent: 1, 2, 3, 4, 8, 9, 11,</p>



1		24, 25, 26 '524 patent: 1, 2, 3, 10 '618 patent: 1, 3, 6, 9, 15, 16, 20, 22 '619 patent: 1, 2, 3, 5, 10, 19, 22, 23, 24, 25, 26 <b>Extrinsic Evidence:</b> AHD at p. 435 ("information") MWD at p. 372 ("information") Sworn testimony of the inventor, Patrick Nunally	12, 17, 18, 19, 23, 25, and 26. '523 patent: 1, 2, 3, 5, 10, 19, 20, 22, 23, 24, 25, and 26. '524 patent: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. '618 patent: 1, 2, 3, 6, 7, 9, 10, 15, 16, 17, 20, and 22. '619 patent: 1, 2, 3, 5, 10, 19, 20, 22, 23, 24, 25, 26, 29, and 30. <b>Extrinsic Evidence:</b> Sworn testimony of Dr. Earl Sacerdoti.
2	8. "provide/ provides/ providing differing levels of information"	Plain and ordinary meaning <b>Intrinsic Evidence:</b> <b>Specification</b> Figures: 3 '522 Specification: Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67 <b>Claims</b> '522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, 26 '514 patent: 1, 5, 10, 14, 20, 21, 26, 30, 34, 36 '523 patent: 1, 3, 5, 19, 22 '524 patent: 1, 6 '618 patent: 1, 3, 6, 9, 10, 15, 17, 20, 22 '619 patent: 1, 3, 5, 6, 7, 8, 9, 19, 22 <b>Extrinsic Evidence:</b> AHD at pp. 239 ("differ,"	"send/sends/sending information in varying levels of granularity" <b>Intrinsic Evidence:</b> <b>Specification</b> Figures: 1, 2, 3 '618 Specification: at 1:15-20, 2:40-47, 3:52-55, 4:17-23, 6:12-21, 10:46-49, 14:32-41, 14:44-50, 14:55-62, 17:45-51, 18:23-28, 15:13- 16, 15:18-31, 16:28-51, 17:4-12, 17:30-36, 17:13-16, and Tables 1 and 2. <b>Claims</b> '514 patent: 1, 5, 10, 14, 21, 26, 30, 34, and 36. '522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, and 26. '523 patent: 1, 3, 5, 19, and 22. '524 patent: 1 and 6. '618 patent: 1, 3, 6, 9, 10, 15, 17, 20, and 22. '619 patent: 1, 3, 5, 6, 7, 8, 9, 19, and 22. <b>Extrinsic Evidence:</b> Sworn testimony of Dr. Earl

1		“different”), 435 (“information”), 483 (“level”), 671 (“provide”)  <i>MWD</i> at pp. 200 (“differ,” “different”), 372 (“information”), 414 (“level”)  Sworn testimony of the inventor, Patrick Nunally	Sacerdoti.
2			
3			
4			
5			
6	9.	Plain and ordinary meaning	“sent/sends/sending
7	“provided.../ provides/ providing an update”		information indicating a user’s status”
8		<b><u>Intrinsic Evidence:</u></b>	<b><u>Intrinsic Evidence:</u></b>
9		<b>Specification</b>	<b>Specification</b>
10		’522 <i>Specification</i> : Abstract;	<i>Figures</i> : 1, 2, 3
11		1:29-47; 1:59-2:4; 2:31-65;	’618 <i>Specification</i> : at 1:15-20,
12		3:24-42; 3:63-4:64; 5:34-59;	2:40-47, 3:52-55, 4:17-23,
13		6:4-17; 6:36-7:3; 7:38-53; 8:10-	6:12-21, 10:46-49, 14:32-41,
14		34; 11:1-6; 14:4-45; 15:4-17:24;	14:44-50, 14:55-62, 17:45-51,
15		17:44-50; 18:22-36; 20:13-	18:23-28, 15:13-16, 15:18-31,
16		21:44; 22:41-67	16:28-51, 17:4-12, 17:30-36,
17		<b>Claims</b>	17:13-16, 20:42-50, 20:53-21:3,
18		’522 <i>patent</i> : N/A	and Tables 1 and 2.
19		’514 <i>patent</i> : 1, 2, 3, 4, 14, 15,	<b>Claims</b>
20		16, 17, 30, 31, 32	’514 <i>patent</i> : 3, 4, 16, 17, 30,
21		’523 <i>patent</i> : 4, 6, 7, 8, 9, 23, 24,	and 32.
22		25	’523 <i>patent</i> : 8, 23, and 25.
23		’524 <i>patent</i> : 7, 8, 9	’524 <i>patent</i> : 7 and 9.
24		’618 <i>patent</i> : N/A	’619 <i>patent</i> : 6, 7, 8, 9, 23, 24,
25		’619 <i>patent</i> : 6, 7, 8, 9, 23, 24,	and 25.
26		25	<b>File History</b>
27		<b><u>Extrinsic Evidence:</u></b>	U.S. Patent & Trademark
28		<i>AHD</i> at pp. 671 (“provide”), 891 (“update”)  <i>BDCIT</i> at pp. 316 (“microblogging”), 459 (“social networking site”)  Sworn testimony of the inventor, Patrick Nunally	Office Prosecution Proceeding No. 13/047,206 for U.S. Patent No. 8,306,514 – Applicant Arguments/Remarks Made in an Amendment at pp. 14-16, March 22, 2012.  <b><u>Extrinsic Evidence:</u></b>  <i>Dictionary of Computer and  Internet Terms</i> , at pp. 309, 443 [DROPCAM_EDTL_00001039]

			-00001040]. Sworn testimony of Dr. Earl Sacerdoti.
10.	“accurate”	“capable of desired processing” <u><b>Intrinsic Evidence:</b></u> <b>Specifications</b> <i>Figures: 3</i> ‘522 <i>Specification</i> : Abstract; 1:29-47; 2:20-30; 4:19-29; 6:25-35; 7:66-8:9; 14:46-20:13; 22:41-67 <b>Claims</b> ‘522 <i>patent</i> : 1, 8, 17 ‘514 <i>patent</i> : N/A ‘523 <i>patent</i> : 4, 21 ‘524 <i>patent</i> : 3, 4 ‘618 <i>patent</i> : 1, 6, 15, 23, 24 ‘619 <i>patent</i> : 4, 21, 29, 30 Sworn testimony of the inventor, Patrick Nunally	“free from mistakes or errors” <u><b>Intrinsic Evidence:</b></u> <b>Specifications</b> <i>Figures: 1, 2, 3</i> ‘618 <i>Specification</i> : 2:29-39, 4:29-39, 9:23-29, 14:31-36, 14:63-66, 15:38-45, 15:45-51, 15:52-55, 16:15-24, 17:13-22, 17:26-44, 18:54-60, 19:36-52, and Tables 1 and 2. <b>Claims</b> ‘523 <i>patent</i> : 4 and 21. ‘524 <i>patent</i> : 3 and 4. ‘618 <i>patent</i> : 1, 6, 15, 23, and 24. ‘619 <i>patent</i> : 4, 21, 29, and 30. <u><b>Extrinsic Evidence:</b></u> <i>Webster's New World College  Dictionary</i> , at p. 10 [DROP CAM_EDTL_00001043 ]. Sworn testimony of Dr. Earl Sacerdoti.

### III. Identification Of Significant Claim Terms

The parties hereby identify the following terms, in no particular order, whose construction will be most significant to the resolution of this case:

1. “social signature”
2. “social hierarchy”
3. “social template”
4. “unique social signature”
5. “sensor value range”
6. “optical sensor”

7. “information”

8. “provide/ provides/ providing differing levels of information”

9. “provided.../ provides/ providing an update”

10. “accurate”

Plaintiff, e.Digital, does not believe construction of any of the above terms will be case or claim dispositive at this time.

#### **IV. Anticipated Length Of Time Necessary For Claim Construction Hearing**

The parties anticipate they will need four (4) hours for the Claim Construction Hearing.

#### **V. Witnesses**

Plaintiff may call the inventor, Patrick Nunally, as a witness to testify regarding each of the disputed terms identified above. Specifically, Mr. Nunally is expected to testify regarding the technology that underlies the invention of the asserted claims and any parent patents; the level of ordinary skill in the art; how the relevant claims would be understood by one of ordinary skill in the art; the meaning of the disputed claim terms, phrases and limitations, and/or any other opinions or testimony relevant to the Court in construing the terms, phrases and limitations of the asserted claims of the asserted patents. Plaintiff, e.Digital, reserves the right to introduce additional testimony from the inventor to rebut Dropcam’s claim construction positions, and any expert testimony introduced by Dropcam.

Defendants may call Dr. Earl Sacerdoti. Dr. Sacerdoti may testify as to the understanding of individuals of ordinary skill in the art at the relevant time period for the Asserted Patents. Specifically, Dr. Sacerdoti may provide testimony regarding background technology or to demonstrate that Dropcam’s constructions of the proposed claim terms and phrases are consistent with the meaning of such terms and phrases in the relevant art during the relevant time period for the Asserted Patents. Such testimony will address both the general understanding of the relevant terms and phrases in the field of the art as well as the understanding of such terms and phrases in the context of the specifications and claims of the Asserted Patents. Dropcam does not plan to bring Dr. Sacerdoti to the claim construction hearing unless the Court requests his presence in advance. Dropcam further reserves the right to

1 introduce expert testimony from Dr. Sacerdoti to rebut e.Digital's claim construction positions,  
2 and any expert testimony introduced by e.Digital.

3  
4 **HANDAL & ASSOCIATES**

5 Dated: May 5, 2015

By: /s/ Gabriel G. Hedrick  
Anton N. Handal  
Pamela C. Chalk  
Gabriel G. Hedrick  
Attorneys for Plaintiff  
e.Digital Corporation

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9  
10 Dated: May 5, 2015

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

11  
12 By: /s/ Stefani E. Shanberg  
13 Stefani E. Shanberg  
14 Attorneys for Defendant  
15 DROP CAM, INC.

16  
17 **ATTESTATION CLAUSE**

18 I, Gabriel G. Hedrick, am the ECF User whose identification and password are being  
19 used to file this Joint Claim Construction and Pre-Hearing Statement. In compliance with Civil  
20 Local Rule 5-1(i)(3), I hereby attest that Stefani E. Shanberg of Wilson Sonsini Goodrich &  
21 Rosati has concurred in this filing.

22 Dated: May 5, 2015

/s/ Gabriel G. Hedrick  
Gabriel G. Hedrick

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on this date to all current and/or opposing counsel of record, if any to date, who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed this 5<sup>th</sup> day of May, 2015 at San Diego, California.

/s/ Gabriel G. Hedrick

Gabriel G. Hedrick